



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

Promoting the wise use of land

**Tentative Notice of Action**

<b>MEETING DATE</b> April 10, 2015 <b>LOCAL EFFECTIVE DATE</b> April 24, 2015 <b>APPROX FINAL EFFECTIVE DATE</b> May 15, 2015	<b>CONTACT/PHONE</b> Schani Siong, Project Planner (805) 781-4374 ssiong@co.slo.ca.us	<b>APPLICANT</b> Phillip and Janice Kissel	<b>FILE NO.</b> DRC2014-00066
<b>SUBJECT</b> A request by Phillip and Janice Kissel for a Minor Use Permit / Coastal Development Permit to allow an existing single family residence to be used as a residential vacation rental. The proposed project is within the Residential Suburban land use category and is located at 60 Costa Azul, approximately 70 feet north from Pecho Valley Road and Costa Azul intersection, in the community of Los Osos. The site is in the Estero planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit / Coastal Development Permit DRC2014-00066 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 3 Categorical Exemption was issued on March 9, 2015 (ED14-190).			
<b>LAND USE CATEGORY</b> Residential Suburban	<b>COMBINING DESIGNATION</b> Local Coastal Program Area, Coastal Appealable Zone, Sensitive Resource Area, Terrestrial Habitat	<b>ASSESSOR PARCEL NUMBER</b> 074-024-035	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> None applicable <i>Does the project meet applicable Planning Area Standards:</i> Yes – see discussion			
<b>LAND USE ORDINANCE STANDARDS:</b> Local Coastal Program Area & Appeals to the Coastal Commission <i>Does the project conform to the Land Use Ordinance Standards:</i> N/A			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant to Section 23.01.042 of the Coastal Zone Land Use Ordinance. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing and will become effective on the 10th working day after the receipt of the final action by the California Coastal Commission.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any land use permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Single Family Residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban / Residences and coastal dune scrub <i>East:</i> Residential Suburban / Residences <i>South:</i> Residential Suburban / Residences <i>West:</i> Residential Suburban / Residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Coastal Commission & Los Osos Community Advisory Council	
TOPOGRAPHY: Gently rolling	VEGETATION: Ornamental landscaping; coastal dune scrub
PROPOSED SERVICES: Water supply: Private water purveyor – Golden State Water Co. Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: January 16, 2015

## DISCUSSION

The applicant is proposing to use an existing single family residence as a residential vacation rental. The project site is located at the northwest corner of Costa Azul and Pecho Valley Road in the community of Los Osos. The site is approximately 2.50 acres and contains a 2,555 square foot single family residence, a detached barn and a small corral/riding area. The residence consists of three bedrooms and a three car garage. A paved driveway provides vehicular access from Costa Azul and off-street parking is provided by the garage. The paved driveway and unpaved area in front of the barn can accommodate at least another five vehicles. The nearest adjoining residence is located approximately 100 feet to the southwest (Figure 1).

Figure 1 – Project Site



Residential vacation rentals are governed by Section 23.08.165 of the Coastal Zone Land Use Ordinance and other relevant provisions of the Local Coastal Program, as discussed below. While the vacation rental standards in Section 23.08.165 only apply by to residential vacation rentals in Cambria, Cayucos, and Avila Beach, staff is applying them to this project as conditions of approval to ensure compatibility with the surrounding residential neighborhood.

#### COASTAL ZONE LAND USE ORDINANCE STANDARDS:

##### **Section 23.01.043c(1) – Appeals to the Coastal Commission:**

**Appealable Development.** As set forth in the Public Resources Code Section 30603(a), and this title, an action by the County on a permit application, including any Variance, Exception or Adjustment granted, for any of the following projects may be appealed to the California Coastal Commission:

1. Developments approved between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach.

*Staff Comments: The project is appealable to the Coastal Commission because the project site is located between the sea and the first public road paralleling the sea.*

#### **Combining Designations**

**Section 23.07.120 – Local Coastal Program Area:** The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

**Section 23.07.160 Sensitive Resource Area:** Any land use permit application within a Sensitive Resource Area shall be approved only where the Review Authority can make the following required findings:

- (1) The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.
- (2) Natural features and topography have been considered in the design and siting of all proposed physical improvements.
- (3) Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
- (4) The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.

*Staff Comments: A small portion of the site (southwest corner) falls within the mapped SRA area. This area and surroundings have been developed for the existing barn and driveway. The proposed use (vacation rental) will not create adverse effects on the natural features of the site and vicinity because there will be no new construction or development.*

**Section 23.07.176 Terrestrial Habitat Protection:** The subject parcel supports a mapped Terrestrial Habitat (TH) combining designation, and is subject to Section 23.07.176 Terrestrial Habitat Protection. This section implements development standards for protection of Terrestrial

Habitat. Specifically, that revegetation with native plants occurs where vegetation is removed, and that “readily-identifiable barriers that will protect the surrounding native habitat areas” be used to ensure protection during grading and construction.

*Staff Comments: A small portion of the site (southwest corner) falls within the mapped Terrestrial Habitat area. This area and surrounding has been developed for the existing barn and driveway. The proposed project will not impact or remove any native vegetation on site because there is no new construction or development proposed.*

### **Special Uses**

#### **Section 23.08.165 Residential Vacation Rentals**

This section of the CZLUO governs the establishment of residential vacation rentals in the coastal zone. However, the standards set forth in this section only apply to the urban areas of Cambria, Cayucos and Avila Beach.

*Staff Comments: While the standards set forth in Section 23.08.165 apply only to the urban areas of Cambria, Cayucos and Avila Beach, they have been applied to vacation rentals in other locations to ensure compatibility with surrounding residential uses. In accordance with Section 23.08.165, a proposed residential vacation rental may not operate differently than a full time occupied single family residence. Therefore conditions for residential vacation rental operational standards are recommended to ensure compliance with parking, the number of occupants, and the designation of a 24-hour property manager contact. Through enforcement of these conditions, potential impacts to surrounding residents can be avoided.*

#### **COASTAL PLAN POLICIES:**

Following is a brief discussion of applicable Coastal Plan Policies:

Shoreline Access:	N/A
Recreation and Visitor Serving: <input checked="" type="checkbox"/>	Policy No(s): 1 & 2
Energy and Industrial Development: N/A	
Commercial Fishing, Recreational Boating and Port Facilities:	N/A
Environmentally Sensitive Habitats: <input checked="" type="checkbox"/>	Policy No(s): 29
Agriculture:	N/A
Public Works: <input checked="" type="checkbox"/>	Policy No(s): 7
Coastal Watersheds:	N/A
Visual and Scenic Resources:	N/A
Hazards:	N/A
Archeology:	N/A
Air Quality:	N/A

**Does the project meet applicable Coastal Plan Policies:** Yes, as conditioned.

#### **COASTAL PLAN POLICY DISCUSSION:**

##### **Recreation and Visitor Serving Facilities**

Coastal Plan policies for Recreation and Visitor serving uses are focused primarily on commercial recreational uses and commercial lodging facilities such as hotels, motels, bed and breakfast establishments and recreational vehicle parks. These are all classified as transient lodging in the Coastal Zone Framework for Planning, Table “O”. Residential Vacation Rentals

are single family residences by design (or occasionally multi-family residences) and are listed in the Residential use group in Table "O". Although they do serve visitors they are sometimes rented by the month, or not rented at all subject to the desire of the property owner. While Coastal Plan Policies generally encourage visitor serving facilities in certain circumstances, residential vacation rentals are not discussed.

**Policy 1:** Recreation Opportunities: Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means.

*Staff Comments: The proposed project supports this policy by creating visitor serving facilities (lodging) within an existing single family residence located in the coastal zone. The existing residence is close to many coastal recreational opportunities including Montana De Oro State Park, Morro Bay State Park and Beaches, Sea Pines Golf Course and other facilities for recreational use in the area. The project is consistent with this policy.*

**Policy 2:** Priority for Visitor Serving Facilities: Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. All uses shall be consistent with protection of significant coastal resources. The Land Use Plan shall incorporate provisions for areas appropriate for visitor-serving facilities that are adequate for foreseeable demand. Visitor-serving commercial developments that involve construction of major facilities should generally be located within urban areas. Provisions for new facilities or expansion of existing facilities within rural areas shall be confined to selected points of attraction.

*Staff Comments: The project helps achieve the statewide priority to protect and enhance public opportunities for coastal recreation by providing visitor-serving lodging within the urban area of Los Osos. This project is consistent with this policy.*

#### **Public Works:**

**Policy 7:** Permit requirements: A permit is required for projects within the coastal zone.

*Staff Comments: The applicant is requesting approval of a Minor Use Permit / Coastal Development Permit, consistent with the requirements of this policy.*

#### **Environmentally Sensitive Habitats**

**Policy 29:** *Protection of Terrestrial Habitats*

Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protect should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site. Development adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.

*Staff comments: This project is consistent with this policy. The proposed vacation rental is an allowed use in the Residential Single Family area, and there is no new construction or development as part of this project.*

COMMUNITY ADVISORY GROUP COMMENTS:

The Los Osos Community Advisory Council recommended approval of the Kissel vacation rental.

AGENCY REVIEW

Public Works – No concerns.

Coastal Commission – No comments received.

LEGAL LOT STATUS:

The existing lot was legally created by a recorded parcel map (CO 91-015) at a time when that was a legal method of creating lots.

Staff Report prepared by Schani Siong and reviewed by Airlin Singewald.